

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

SEAN L GILBERT, et al.,

No. C 13-01171 JSW

Plaintiffs,

**ORDER REQUIRING FURTHER
RESPONSE TO ORDER TO
SHOW CAUSE AND REQUIRING
RESPONSE FROM DEFENDANT
JOHNSON**

v.

BANK OF AMERICA, et al.,

Defendants.

In its Order granting defendant David Johnson's motion to compel arbitration, the Court issued an Order to Show Cause to Plaintiff Keeya Malone ("Malone") to show why her claims against Johnson should not be dismissed.

Malone filed her response on April 20, 2015. In her response, she contends that because the Court granted Johnson's motion to compel, it now lacks jurisdiction to dismiss her claims. Malone's theory is that, if the Arbitration Clause is valid, because it is drafted broadly and because she applied for a loan from Cash Yes, the "motion" to dismiss should be referred to the arbitrator for resolution. However, if Malone did not receive funds from Cash Yes, it is not clear to the Court how she can, in good faith, assert she has standing to sue Johnson.

Accordingly, and assuming for the sake of argument that the Court has jurisdiction to resolve this dispute¹ Malone shall file a further response to the Order to Show Cause by May 1, 2015. Johnson may file a response by May 8, 2015, and Malone may file a reply by May 15, 2015.

¹ By issuing this further Order, the Court is not ruling on Malone's argument that the arbitrator must resolve this dispute.

1 If the Court determines that oral argument is necessary, it shall place this matter on
2 calendar on June 5, 2015, in conjunction with the Money Mutual Defendants' motion to
3 dismiss.

4 **IT IS SO ORDERED.**

5 Dated: April 21, 2015


JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE